

Commonwealth of Virginia
Department of Environmental Quality

Waste Tire Management Plan

(Per Section 10.1 - 1422 of the Code of Virginia)

Developed by:
Office of Regulatory Planning and
Development

August 20, 1994

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I. EXECUTIVE SUMMARY

This plan, required by Section 10.1-1422.1 of the Code of Virginia, represents the financial and programmatic recommendations of the Virginia Department of Environmental Quality (DEQ), related to the use of the Waste Tire Trust Fund, created per Section 10.1-1422.3 of the Code of Virginia.

The Plan is based on an FY-95 beginning balance of \$6,440,665 in the Waste Tire Trust Fund, which nets approximately \$2 million per year. Funding is provided by a 50 cent tax on each new tire sold at retail, in effect since January 1, 1990 (Section 58.1-642 of the Code of Virginia). Total income through FY 94 is \$ 9,520,098 of which \$655,751 is interest accrued to the Trust Fund; expenses totaled \$3,074,473 through FY 94.

Through FY93, expenses were minimal while program planning and design occurred and a competitive procurement was conducted. Expenses accelerated in FY 94 as "current flow" projects were initiated. Three multi-year intergovernmental Cooperative Agreements totaling \$3.075 million were executed; \$1.35 million was paid out under these Agreements in FY 94.

This four-year plan calls for expenditures of \$ 14,861,144 in ten major categories. Developed by the DEQ staff, this Plan provides an Annual Element (the current year - FY 95) and a Long Term Element (through FY 98) for each component. The Plan's major commitments include:

<u>Program Component</u>	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>TOTAL FY95-98</u>
1.1 & 1.2 Program Management	\$ 305,212	\$ 318,473	\$ 332,396	\$ 347,016	\$ 1,303,097
2.1 Collecting and Processing Projects	\$2,885,000	\$1,540,000	\$ 500,000	\$ -0-	\$ 4,925,000
2.2 Waste Tire Tracking System	\$ 25,410	\$ 26,660	\$ 28,015	\$ 29,415	\$ 109,520
2.3 End User Reimbursement	\$ 610,815	\$1,079,606	\$1,583,586	\$1,87,765	\$ 4,861,772
3.1 Statewide Pile Inventory (Completed)	---	---	---	---	---
3.2 Tire Pile Demonstration	\$1,065,000	\$ 450,000	\$ -0-	\$ -0-	\$ 1,515,000
3.3 Permitting	\$ 54,450	\$ 57,173	\$ 60,031	\$ 63,033	\$ 234,687

3.4 Inspections/Compliance	\$ 245,952	\$ 258,250	\$ 271,162	\$ 284,720	\$ 1,060,084
3.5 Enforcement	\$ 39,040	\$ 40,992	\$ 43,042	\$ 45,194	\$ 168,268
3.6 Response	\$ 39,040	\$ 40,992	\$ 43,042	\$ 45,194	\$ 168,268
General Fund Transfer	<u>\$ 100,000</u>	<u>\$ 100,000</u>	<u>\$ 100,000</u>	<u>\$ 100,000</u>	<u>\$ 400,000</u>
Totals	\$5,369,919	\$5,912,166	\$2,961,274	\$2,502,337	\$14,745,696

A complete breakout of line item costs is presented in Table 1.

The largest amount of funding (\$4,925,000) in this four year plan is allocated to current flow projects. Figure 1 indicates the geographic coverage of each of these projects and those areas that, as of now, do not have a defined current flow project. They will be developed by DEQ staff in the near future.

FOUR-YEAR WASTE TIRE PROGRAM BUDGET

		FY 95	FY 96	FY 97	FY 98
Prior Year Carry Forward		\$6,440,665	\$3,313,359	\$1,533,728	\$633,804
Revenue		\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Interest Expected		\$242,613	\$132,534	\$61,349	\$25,352
Available		\$8,683,278	\$5,445,893	\$3,595,078	\$2,659,157
1. Program Management					
1.1 Office Director (50%)		\$35,380	\$37,149	\$39,006	\$40,957
and Executive Secretary (100%)		\$32,565	\$34,194	\$35,903	\$37,699
1.2 Program Manager (100%)		\$63,525	\$66,701	\$70,036	\$73,538
Program Planner (100%)		\$57,173	\$60,031	\$63,033	\$66,184
6 Regional Managers (25% each)		\$76,569	\$80,397	\$84,417	\$88,638
Resources (Materials, Travel, etc.)		\$40,000	\$40,000	\$40,000	\$40,000
Subtotal 1		\$305,212	\$318,473	\$332,396	\$347,016
2. Current Flow Actions					
2.1 <u>Projects</u>	Signed Contracts				
SPSA	\$870,000	\$400,000			
LFPDC	\$725,000	\$225,000			
ARRC #1	\$400,000	\$0			
CVWMA	\$580,000	\$340,000	\$240,000		
CVPDC	\$1,145,000	\$445,000	\$400,000	\$300,000	
VPPSA	\$425,000	\$225,000	\$200,000		
	Pending				
ARRC #2	\$700,000	\$500,000	\$200,000		
FAIRFAX CO	\$700,000	\$400,000	\$300,000		
Other Areas	\$750,000	\$350,000	\$200,000	\$200,000	
Total for Projects	\$6,295,000	\$2,885,000	\$1,540,000	\$500,000	
2.2 <u>Waste Tire Tracking System</u>					
Data Technician (100%)		\$25,410	\$26,680	\$28,015	\$29,415
2.3 <u>User Reimbursement System</u>					
End User Payments		\$500,000	\$1,000,000	\$1,500,000	\$1,500,000
Program Specialist (100%)		\$27,415	\$28,786	\$30,225	\$31,736
Auditor (100%)		\$48,400	\$50,820	\$53,361	\$56,029
IEN		\$35,000			
Subtotal 2.2		\$610,815	\$1,079,606	\$1,583,586	\$1,587,765
3. Waste Tire Pile Actions					
3.1 <u>Pile Inventory - Complete</u>					
3.2 <u>Waste Tire Pile Demonstrations</u>					
VDOT	\$150,000	\$150,000			
Henry County PSA	\$115,000	\$115,000			
King George	\$750,000	\$500,000	\$250,000		
Halifax	\$500,000	\$300,000	\$200,000		
Total for Demonstrations	\$1,515,000	\$1,065,000	\$450,000		
3.3 <u>Permitting</u>					
Hourly Charges (1 FTE)		\$54,450	\$57,173	\$60,031	\$63,033
3.4 <u>Inspection/Compliance/HPP</u>					
6 Inspectors (100%)		\$245,952	\$258,250	\$271,162	\$284,720
3.5 <u>Enforcement</u>					
Hourly Charges (1 FTE)		\$39,040	\$40,992	\$43,042	\$45,194
3.6 <u>Response</u>					
Hourly Charges (1 FTE)		\$39,040	\$40,992	\$43,042	\$45,194
Transfer to General Fund		\$100,000	\$100,000	\$100,000	\$100,000
Expenditures		\$5,369,919	\$3,912,165	\$2,961,273	\$2,502,337
Balance		\$3,313,359	\$1,533,728	\$633,804	\$156,820

NOTE: This budget assumes that 75% of previous-year taxes are available for end-user reimbursement.
 Total funds committed to projects \$7,810,000 To Date
 ARRC #3 incorporated in CVPDC

Aug. 10, 1994

II. INTRODUCTION

In 1989, amid several other recycling initiatives, the Virginia General Assembly enacted HB 1745, authorizing the collection of a 50¢ tax on the sale of each new vehicular tire. The funds were to accumulate in a non-reverting Waste Tire Trust Fund, the proceeds of which were to be used by the Virginia Department of Waste Management to "develop and implement a plan for the management and transportation of all waste tires in the Commonwealth of Virginia". The tax was to expire on December 31, 1994.

In 1993, the General Assembly enacted HB 1494, which removed the sunset date and authorized use of the Trust Funds for providing "end user reimbursements" for those people or firms that actually utilized the recycled tires. That reimbursement shall not exceed 75 % of the prior year's tax revenue. DEQ is required to develop regulations to enact this program; such regulations are expected by early 1995.

All of these program provisions are contained in Section 10.1-1422.1, 1422.3 and 1422.4 of the Code of Virginia which is reproduced in its entirety:

III. PROGRAM PLANNING

The planning, designing and implementation of the Virginia Waste Tire Management Plan began shortly after its adoption by the 1989 General Assembly. Several early documents and plans were developed including the following:

- * Virginia Strategy for Used Tires; August, 1989
 - a review of processing options and a planning process with a Used Tire Advisory Committee.
- * Development of the Virginia Used Tire Management Strategy; A program Overview; April, 1990
 - recommended the management of "current flow" tires first, through a state-owned, state-wide system of collection and processing centers; once operational, tire pile clean ups could be directed to these centers.
- * DWM's Scrap Tire Management Plan; October 15, 1991
 - recommend private sector implementation for collection and processing capabilities through the issuance of an RFP.
- * DWM's Request for Proposals;
No. 421-104; November 15, 1991
 - 41 proposals received; all rejected due to excessive costs, limited processing capacity, out of state processing and unreliable vendors.
- * Internal Management Operating Program Plan for the Virginia Waste Tire Program; December, 1992
 - predecessor to this plan which called for current flow projects funded with a combination of tire tax and user fees, a state-wide tire tracking system (WTC), a state-wide tire pile evaluation survey, demonstration clean ups, local "amnesty" clean up events, enhanced compliance and enforcement, training workshops and public education and information.

The program of services recommended in this plan is a compilation of all the planning data and operational strategies from the past efforts coupled with the Waste Tire End User Partial Reimbursement Plan authorized by the 1993 General Assembly. The End User Reimbursement should begin in early 1995.

IV. VIRGINIA WASTE TIRE PLAN COMPONENTS

Part 1. Program Management

1.1 Staff and Resources:

- Objective:

to plan, implement, monitor and revise the Waste Tire Plan; provide for fiscal management, personnel, training, education and public information.

- 1995 Strategic Plan Strategy:

Element: 1.2.9

- Annual Element - FY 95:

- provide staff to implement the program including an Office Director (50%), a Secretary, a Program Manager and Program Planner in the Richmond Office and a portion (25%) of Program Manager's time in each Regional Office;
- provide resources such as materials and equipment, supplies, presentations and travel for staff;
- costs include \$265,212 in personnel costs and \$40,000 for supplies for an Annual Element cost of \$305,212.

- Long Term Element - FY 96-98:

- Continue all annual element activities, with a salary escalator as appropriate.

- Budget Summary FY95 - FY98:

	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
Annual Element	\$265,212	---	---	---
Long Term Element	---	\$278,473	\$292,396	\$307,016
Resources	<u>\$ 40,000</u>	<u>\$ 40,000</u>	<u>\$ 40,000</u>	<u>\$ 40,000</u>
Total	\$305,212	\$318,473	\$332,396	\$347,016

1.2 Performance and Fiscal Accounting

o Objective:

to provide detailed accounting of the funds spent on each component of the plan; to track the performance of each project.

o 1995 Strategic Plan Strategy

Element 1.2.9

o Annual Element - FY 95

- Track the performance of each current flow project. To date, SPSA has processed 465,287 tires at a contract cost of \$ 382,997. ARRC has processed 33,030 tires at 9 landfills in its first two months of operation.
- performance and financial figures are required each month from funded programs.
- program expenditures for FY 94 totaled \$ 1,730,488, most of it for current flow projects.
- total expenditures since FY 90 by type are as follows:

EXPENDITURES

CATEGORY	FY90	FY91	FY92	FY93	FY94	TOTALS
11 Personnel	\$ 0	\$22,184	\$62,322	\$165,339	\$ 281,279	\$ 531,124
12 Contractual	\$ 0	\$47,450	\$22,268	\$ 70,145	\$1,421,470	\$1,561,333
13 Supplies	\$ 83	\$ 0	\$ 0	\$ 1,540	\$ 8,361	\$ 9,984
22 Equipment	\$ 0	\$ 0	\$ 1,285	\$ 82,034	\$ 19,378	\$ 102,697
TOTAL	\$ 83	\$69,634	\$85,875	\$319,058	\$1,730,488	\$2,205,138

- cash transfers from the Waste Tire Trust have totaled \$874,333 since FY 1990 including \$ 276,381 to the Department of Taxation, \$300,000 to DEQ and \$ 297,952 in budget cuts in FY 91 and FY 92.
- Annual tax collection have grown from \$1,976,172 in FY 91 to \$2,285,442 in FY 94 for a total of \$ 8,864,347. The fund has earned \$ 655,751 in interest since its inception. Total program revenue, then, is \$ 9,520,098.
- the current trust fund balance is \$ 6,440,625.
- see Appendix F for a fiscal summary for FY 90-FY 94

o Long Term Element FY 96-98

- continue all annual element activities.

o Budget Summary FY 95 - FY 98

- All resources needed for this component are included in Elements 1.1, 2.2 and 2.3. No additional resources are needed here.

Part 2. Current Flow Actions

2.1 Current Flow Collection and Processing Projects

- Objective:

to ensure waste tire processing services are within reasonable reach of waste tire generators

- 1995 Strategic Plan Element:

Element: 1.2.9

- Annual Element - FY 95:

The current flow consists of waste tires generated at tire dealers, discount stores, auto repair facilities, etc. in their normal course of business. The current flow in Virginia is approximately 4,000,000 tires per year, based on tire tax collections by the Virginia Department of Taxation.

Existing services for processing these tires vary widely across Virginia and are categorized as follows:

- no indigenous or nearby processors;
- existing governmental operations;
- existing private sector operations.

Based on this situation, this Plan provides different services in different parts of Virginia based on the extent of existing services:

- where no service exists, establish processing and transportation services;
- where services are government-operated, provide equipment upgrades and additional services;
- where private operations exist, competitively select one or more vendors and develop uniform regional services and aid in securing markets and expanded services.

One of the most efficient ways to provide these services is through a regional governmental unit that can provide waste management services. This includes localities, groups of localities, public service authorities, planning district commissions and other combinations of these units of local governments. The regional concept allows uniformity of services, efficiencies of scale, and more local control.

Each project must be planned and implemented according to requirements shown in Appendix A, "The Virginia Waste Tire Program Project Requirements". These guidelines ensure us that any existing public or private capabilities are incorporated into new service and that all components of comprehensive service (collection, transportation, processing, recycling, etc.) are included by the service providers. Support is provided for two full years, with a planned phase out during the second year.

Most projects include a demonstration of features which may be transferrable to other regions of the State. These include, but are not limited to, the following:

- mobile shredder serving numerous locations (ARRC, LFPDC)
- landfill tire pile clean ups to establish operational expenses of a new shredder service (LFPDC)
- reduce tip fee below a landfill's current fee to entice widespread participation (Fairfax Co.)
- use of Waste Tire Certification (see 2.2) (all areas)
- provide a "clean sweep" of a remote area (Eastern Shore)
- use of private service providers (CVWMA)

Each locality participating in a regional program shall provide at least one public collection site for waste tires. The site shall be a permitted solid waste management facility (landfill, transfer station, waste-to-energy facility, etc.). The localities may charge a tip fee to pay for the processing service as well as to recoup any additional operational or administrative costs.

Each project will contain provisions for "Tire Amnesty" events for the public (free turn-in of non-commercial waste tires). All costs (equipment, labor, transportation, tip fee, etc.) will be paid from the Trust Fund. Support for public property clean up events (including landfills) and civic clean up events will consist of tip fee payment only. Amnesty and clean ups will be supported by the Waste Tire Management Program from the date of service initiation for a 2 year period. See Appendix B for amnesty and clean up requirements.

The Fiscal Year 1994 Annual Element committed \$6,295,000 to nine current flow projects expected to be operational in FY94 or FY95. Since these are multi-year projects, approximately \$1,350,000 was spent in FY94, while the remainder will be spent in FY95 through FY98. The Annual Element projects consists of:

	<u>Project Costs</u>	<u>FY94 Expenditures</u>
SPSA	\$ 870,000	\$450,000
LFPDC	\$ 725,000	\$500,000
ARRC	\$ 1,100,000 (2 phases)	\$400,000
Fairfax Co.	\$ 700,000	\$ -0-
CVWMA	\$ 580,000	\$ -0-
VPPSA	\$ 425,000	\$ -0-
CVPDC (for 5 PDCs)	\$ 1,145,000	\$ -0-
Other Areas	\$ 750,000	\$ -0-
	<hr/>	<hr/>
Total	\$ 6,295,000	\$1,350,000

Three of these projects are now underway while the others are in the contract development stage. Appendix C provides a status report for each project while Appendix D illustrates how the funding for these projects varies, depending on the type of service provided.

o Long Term Element - FY 96-98:

All projects which commenced in FY 94 will continue operations and expenditures through FY 96. The Long Term Element also utilizes the sum of \$ 750,000 for areas of the State of Virginia not served by the projects in the Annual Element. These projects will extend through FY 97.

Project	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
SPSA	\$ 400,000	----	----	----
LFPDC	\$ 225,000	----	----	----
ARRC	\$ 500,000	\$ 200,000	----	----
FAIRFAX CO.	\$ 400,000	\$ 300,000	----	----
CVWMA	\$ 340,000	\$ 240,000	----	----
VPPSA	\$ 300,000	\$ 125,000	----	----
CVPDC	\$ 445,000	\$ 400,000	\$ 300,000	----
OTHER	\$ 350,000	\$ 300,000	\$ 300,000	----
	-----	-----	-----	-----
TOTAL	\$ 2,960,000	\$1,565,000	\$ 600,000	----

Appendix E provides the time lines for the Long Term Element.

Appendix F provides a cumulative listing of all the sites that will serve as collection sites through these projects. The total stands at 44 and another 20-30 are expected in the "other areas".

o Budget Summary FY95 - FY98:

	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
ANNUAL ELEMENT	\$ 2,960,000	----	-----	-----
LONG TERM ELEMENT	----	\$ 1,565,000	\$600,000	-0-
	-----	-----	-----	-----
TOTAL	\$ 2,960,000	\$ 1,565,000	\$ 600,000	-0-

2.2 Waste Tire Tracking System

- o Objective:

To provide a voluntary, easy-to-use waste tire tracking system.

- o 1995 Strategic Plan Element:

Element: 1.2.9

- o Annual Element - FY 95:

- Use economic incentives (See 2.3) rather than complete regulatory control to garner compliance with proper collection, hauling, processing, recycling or disposal of waste tires.
- Develop and print the Waste Tire Certifications (WTC), a 5 copy multi-part form that tracks the movement of waste tires from generator to disposal or reprocessing. See Appendix G.
- Provide a one-time distribution of WTCs to all tire tax payers as the current flow projects in element 2.1 above are initiated;
- Offer a voluntary hauler registration system, to provide assurance that the "tire jockey" is hauling tires to a DEQ authorized collection site; generator can withhold payment of fees until a fully-completed WTC is returned. See Appendix H.
- One copy retained at collection center to be forwarded to DEQ to verify tire flows and payments for the current flow projects in Element 2.1.
- Provides documentation for both the End User Reimbursement System (See Element 2.3) and for local government recycling credit.
- Cost include \$25,410 for personnel; printing, postage and supplies budgeted in Element 1.1.

- o Long Term Element FY 96 - FY 98:

- Continue all annual element activities, with a salary escalator as appropriate.

o Budget Summary FY 95 - FY 98:

	FY 95	FY 96	FY 97	FY 98
Annual Element	\$25,410	—	—	—
Long Term Element	—	\$26,680	\$28,015	\$29,415

2.3 End User Reimbursement System

- o Objective:

To plan, design, implement and monitor the reimbursement system.

- o 1995 Strategic Plan Strategy

Element: 1.2.9

- o Annual Element - FY 95

- Authorized by Section 10.1 - 1422.3 and 1422.4 of the Code of Virginia; enacted by the 1993 General Assembly to enhance markets for waste tires.
- promulgate regulations as specified in 10.1 - 1422.4; first draft of regulations (VR 672-60-1) developed in July; public hearing and written comments in August with Waste Management Board action in October, 1994; effective immediately upon adoption.
- make reimbursements on a dollar per ton basis, varying from \$15 to \$32 depending on the type of reuse; payments will be made quarterly.
- Annual payments limited to 75% of the prior years tax collection; limit of \$1,651,998 for FY 95. See Attachment I.
- for burning or pyrolysis of tires, end user is the person or company performing these operations; for any other products, it is the producer of the product, not the consumer, who qualifies.
- Institute for Environmental Negotiation (IEN) hired to assist DEQ in developing the regulations.
- Reimbursements budgeted for \$500,000

- o Long Term Element - FY 96 - FY 98:

- Reimbursements continue indefinitely or until repealed by the General Assembly or Waste Management Board.
- Continue all annual elements activities, with a salary escalator as appropriate.
- Reimbursement budget increase to \$1,000,000 in FY 96 and \$1,500,000 yearly thereafter.

o Budget Summary FY 95 - FY 98:

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>
Annual Element	\$610,815	_____	_____	_____
Long Term Elements	_____	\$1,079,606	\$1,583,586	\$1,587,765

Part 3

Waste Tire Pile Actions

3.1 Statewide Tire Pile Inventory

- o Objective:
 - to accurately assess the location, size and relative environmental hazard of each waste tire pile in Virginia.
- o 1995 Strategic Plan Strategy:
 - Element 1.2.9
- o Annual Element - FY 95:
 - distribute copies of the Waste Tire Pile Survey of the State of Virginia; documented by an on-site survey conducted in 1993 on each site, using a methodology developed in conjunction with the U.S. Army Corps of Engineers
 - survey results were 731 piles surveyed, containing an estimated 17,600,000 tires at an estimated clean up cost of \$32.4 million
 - work completed; periodic field inspections and tire pile data base to be maintained by regional offices; see Section 3.4.

3.2 Waste Tire Pile Demonstration

o Objective:

To select, plan, design, implement and monitor several waste tire pile clean ups.

o 1995 Strategic Plan Strategy:

Element 1.2.9

o Annual Element - FY 95

- Select projects to demonstrate key components of a successful clean up including:

- * assessing threats to human health and environment
- * identifying roles of various governmental agencies
- * interdicting active dumping
- * restricting access
- * attaining full remediation
- * overcoming adverse terrain
- * learning transferable techniques and strategies

- Sites selected include:

- * Greenville County where county officials arrested and convicted a resident for illegal dumping over 14,000 tires on someone else's property; DEQ paid half the clean up cost of \$ 14,326.
- * A Halifax County site containing 400,000 tires in rugged terrain adjacent to the Dan River to test removal methods in adverse terrain and cooperation of several parties including property owner, adjacent property owners and locality officials.
- * A King George site containing over 5,000,000 tires, the largest in the state, located off Route 3 less than 1 mile from the Rappahannock River; goal is to "stabilize" the pile by securing the perimeter, providing fire breaks and preparing fire fighting capabilities; actual clean up will take several years by a County-selected contractor who is building a new landfill

- Will require coordinated work of many agencies in order to:

- * identify property owners
- * obtain legal access to property
- * develop consent agreements

- * approve clean up plan
- * field monitoring of process
- * final inspection and approvals

- Complete a Virginia Department of Transportation (VDOT) demonstration project in which 2,000,000 shredded tires were used in a highway fill section on Route 199 near Williamsburg; obtain results from a 2 year monitoring effort.

- Financially assist the Henry County Public Service Authority (HCPSA) in repairing, operating and conducting air emissions testing for its whole tire incinerator; assess its capability of drying sewage sludge while safely burning whole tires.

- Annual Element costs consist of:

<u>Project</u>	<u>FY 95</u>	<u>FY 96</u>
Greensville Co.	\$(completed)	
Halifax Co.	\$ 300,000	\$ 200,000
King George Co.	\$ 500,000	\$ 250,000
VDOT	\$ 150,000	\$ ----
HCPSA	<u>\$ 115,000</u>	<u>\$ ----</u>
Total	\$1,065,000	\$ 450,000

o Long Term Element FY 96-98

- Most projects completed in FY 95 with completion of two larger projects in FY 96.

o Budget Summary FY 95 - FY 98

	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
Annual Element	\$1,065,000	----	----	----
Long Term Element	----	\$450,000	----	----

3.4 Inspections/Compliance/Hazard Prevention Plans (HPPs)

o Objective:

To provide fair and consistent inspections of tire facilities from regional offices; assist in incident-free compliance by developing Hazard Prevention Plans.

o 1995 Strategic Plan Strategies

Elements: 1.2.10; 1.2.13

o Annual Element - FY 95

- Proper handling of waste tires hampered by lack of feasible disposal methods, insufficient resources of the responsible party, lack of local ordinances and fear of arson; 27 of 53 tire fires in Virginia since 1990 immediately preceded by enforcement actions.

- develop and implement the Inspection Guidance for Waste Tires to provide guidance for field inspectors handling tire sites.

- transfer waste tire pile data bases to the regional offices; maintain and update to reflect changes such as clean ups, proper (or permitted) storage or new piles.

- develop hazard prevention plans (HPP) for the 30 largest piles (see Section 3.1); develop HPP for any pile subject to enforcement action; see Hazard Prevention Plan and Pile Stabilization Demonstration, Sealston Tire Dump, King George County, Virginia and Appendix K for sample HPPs

- Work closely with DEQ enforcement staff and local authorities during an enforcement action.

- Cost include one inspector position for each DEQ region at a total cost of \$ 245,952.

o Long Term Element FY 96 - FY 98

- continue 1 inspector per region, to perform regular inspections, develop HPPs and evaluate pile clean ups.

3.3 Permitting

o Objective:

To provide assistance in obtaining the necessary environmental permits for waste tire collection, storage, processing or disposal facilities.

o 1995 Strategic Plan Strategy:

Element 1.2.9

o Annual Element - FY 95:

- To date, DEQ has permitted a shredding operation, a crumb rubber operation, a baling operation and a pyrolysis plant.

- Provide permitting staff familiar with the operations of waste tire facilities; update staff on new techniques of tire management.

- Provide pre-application assistance to the operators of any proposed tire facility.

- Provide Permit Guidance and Permit Submission Instructions for waste tire facility. See Appendix J.

- Costs include \$ 54,450 for personnel, the equivalent of one full time staff person in the permitting section; staff time charges via time sheets.

o Long Term Element FY 96 - FY 98

- Continue permit assistance at 1 FTE level, with salary escalator as appropriate.

o Budget Summary FY 95 - FY 98

	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
Annual Element	\$54,450	----	----	----
Long Term Element	----	\$57,173	\$60,031	\$63,033

o Budget Summary FY 95 - FY 98

	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
Annual Element	\$ 245,952	----	----	----
Long Term Element	----	\$258,250	\$271,162	\$284,720

3.5 Enforcement

o Objective

To provide fair and consistent enforcement actions when compliance cannot be obtained via voluntary action.

o 1995 Strategic Plan Strategies

Elements: 1.2.11; 1.2.13

o Annual Element - FY 95

- Violations of solid waste laws and regulations carry both civil and criminal penalties. The DEQ Director, by civil action brought by the Attorney General's office, is authorized to seek penalties of up to \$25,000 per day per violation. Criminal prosecution must be brought by the Commonwealth's Attorney for the locality in which the crime is committed. Willful violations are a class 1 misdemeanor which carry penalties of up to \$2,500 in fines or imprisonment for up to 1 year or both.

- 1994 General Assembly enacted HB 699, which elevates to a class 6 felony, the unpermitted dumping of more than 500 waste tires. See Section 10.1-1418.2 of the Code of Virginia, reproduced in Appendix L. As a criminal statute, the law is enforced by localities' Commonwealth's Attorney.

- Develop and implement the Enforcement Guidance for Waste Tires to provide guidance to enforcement staff handling tire sites.

- develop enforcement actions to be used in conjunction with the waste tire pile demonstrations in element 3.2

- assist local governments with prosecutions by offering technical assistance, surveys and inspection reports, photographic materials and file and database information.

- finalize a Model Tire Storage Ordinance and promote and assist localities in its adoption. See Appendix M

- cost include \$39,040 for personnel, the equivalent of one full time staff person in the enforcement section of DEQ; actual staff time charges via time sheets

o Long Term Element

- continue enforcement activities at the 1 FTE level, with salary escalator as appropriate.

o Budget Summary FY 95 - FY 98

	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
Annual Element	\$ 39,040	----	----	----
Long Term Element	----	\$40,992	\$43,042	\$45,195

3.6 Response

o Objective

- to provide regional office staff trained in response measures for a tire-related emergency situation.

o 1995 Strategic Plan Strategies

Element: 2.1.6

o Annual Element - FY 95

- develop a guidance package for field staff responding to tire fires and other emergencies.
- assist the Department of Emergency Services in implementing the Hazard Prevention Plan, if one exists, or devising an emergency strategy.
- costs include \$ 39,040 for personnel, the equivalent of one full person; actual staff time charges via time sheets.

o Long Term Element FY 96 - FY 98

- continue response capability at the 1 FTE level, with salary escalator as appropriate.

o Budget Summary FY 95 - FY 98

	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>
Annual Element	\$39,040	----	----	----
Long Term Element	----	\$ 40,992	\$ 43,042	\$ 45,194